IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1207 OF 2005

Dr.(Sau.) Aarti Ramesh Kulkarni. ... Petitioner

Versus.

The State of Maharashtra & Ors. ... Respondents.

Mrs.S.A.Dhamale for the Petitioner.

Shri R.Y.Mirza, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 6th June, 2005.

P.C.:

1. By the impugned order dated 1st February 2005 the learned trial Judge has rejected the Application made by the Petitioner (Complainant) at Exh.63. The prayer made in the Application is for sending certain letters which are produced along with the said Application at Exh.63 to handwriting expert as admitted handwritings of the Respondent No.2/Accused for comparing the same with the disputed handwriting and signatures.

2. It is not in dispute that on an earlier application made, a direction was issued by the trial Court to the Respondent No.2/Accused to give specimen signatures before the Court and the Accused was directed to write in the same manner which is in dispute. It was also directed that the signature and the handwriting of the Respondent No.2/Accused should be send to the Government Handwriting Expert along with the disputed documents.

The said order is still in force.

3. In my view, the prayer made in the Application at Exh.63 is misconceived. The documents (letters) which are produced along with the Application at Exh.63 are neither proved in evidence nor are admitted by the Respondent No.2/Accused. Therefore, it cannot be said that the said documents which are tendered along with the Application contain admitted writings and admitted signatures of the Respondent No.2/Accused. In this view of the matter, in my opinion, the learned trial Judge was right when he rejected the Application. No interference is called for in this Petition under Article 227 of the Constitution of India. Petition is rejected.

4. Parties to act on authenticated copy of this order.

Judge.